

## Visits

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### ***Which rules cover entitlements to visits?***

Prison Rule 35 sets out prisoners' entitlement to visits from friends and relatives; PSIs 15/2011 and 16/2011 set out detailed guidance on the provision and management of prison visits.

Article 8 of the European Convention of Human Rights (ECHR), which protects family life, can be used to challenge restrictions on visits; however in many cases the courts have accepted the prison's arguments that restrictions are justified on security grounds.

The 'Strengthening Prisoners Family Ties Policy Framework', also outlines specific duties and provisions to support the maintenance and development of prisoners' relationships with family and friends.

### ***What are the entitlements?***

Visits from friends or relatives are known as 'social visits' and visits from legal advisers or similar workers are known as 'official visits'. Official visits do not count against a prisoner's allowance of social visits.

Reception after conviction. All prisoners are entitled to a visit within 72 hours of their arrival to prison after conviction. This is known as a reception visit.

Convicted prisoners are entitled to at least one social visit every two weeks and at least one weekend visit every four weeks. These visits must be at least one hour long.

Unconvicted prisoners are allowed a social visit on at least three days a week including weekends. These visits must be at least one hour long.

In addition to the statutory visits allowance, prisoners are entitled to 'privilege visits'. These can be granted by the prison governor. Privilege visits can be given if the prison feels they are beneficial to the prisoner's welfare, or as part of Incentives and Earned Privilege Schemes. Specifics of privilege

visits will vary from prison to prison but typically they are as follows:

- Basic - same as statutory minimum.
- Standard (and Entry) - at least 3 visits every 28 days with the possibility of additional facilities.
- Enhanced – 4 or 5 one-hour visits per 28 days where resources allow with an element of choice over day/time and use of enhanced visits area.

### ***What are the conditions for social visits?***

All visitors must have a valid visiting order to gain entrance to the prison. These visiting orders are issued to the individual prisoner who then sends them out to the proposed visitor. Up to three adults can visit a prisoner, with any accompanying children. Children are classified as being anyone under the age of 18.

Social visits must take place within hearing range and sight of staff. Reasonable physical contact between prisoner and visitor is permitted: prisoners should be allowed to embrace their visitor at least at the beginning and end of the visit. Young children should be permitted a greater level of contact.

Visitors, in particular children, should be made comfortable at all times through the availability of food and drink and toys for children. The environment and décor must be as relaxed and informal as possible and create a positive environment for both prisoners and visitors.

Visits may be conducted in any language but, if the prison considers it necessary for security reasons, a governor can require a visit to be conducted in English or monitored by a native speaker.

### ***Are there differences for Category A prisoners?***

Yes. Visitors to Category A prisoners must be security checked and approved before they are permitted to enter the prison. However, the prison governor has some discretion in

allowing close relatives in to the prison under closed conditions prior to approval. Category A prisoners will be strip searched after an open visit. Exceptional high-risk Category A prisoners are subject to closed visits unless decided otherwise.

***What are the conditions for legal and official visits?***

The conditions for official visits are the same as social visits except official visits should take place in sight but out of hearing of prison staff, especially visits made by legal advisers.

***Can former prisoners visit?***

Yes. A former prisoner cannot be refused entry simply because they have previously been in custody or are electronically tagged - a specific reason must be given. The Prison Service accepts that if a person is a positive influence on the prisoner, denying their visit would only have a harmful effect (see PSI 16/2011).

***What is a closed visit?***

A closed visit is when the prisoner and visitor are separated by a pane of glass. Closed visits are imposed when prisons consider that there is a risk of the visitor passing an unauthorised article. Closed visits must be applied for a specific period of time for which a prisoner is considered to be at risk and NOT for a set number of visits. This will not affect their statutory visiting order entitlement (see our toolkit on closed and banned visits).

***In what circumstances can visitors be banned?***

Prison Rule 73 lays out general powers to ban visitors for the purpose of securing discipline and good order, or the prevention of crime.

Visitors who bring phones, drugs or other illegal items into prison will be banned for a minimum of three months. However, there is room for discretion. It must be taken into account whether a ban would cause disproportionate harm to the prisoner or visitor (see our toolkit on closed and banned visits for further details).

The Offender Management Act 2007 set out further guidance on what prohibited items are and how they are classified. The Act states that anyone who smuggles in a prohibited item is guilty of an offence and thus punishable by law. Anyone convicted of

smuggling a prohibited item into a prison can be sentenced to a maximum of ten years' imprisonment.

***Assisted Prison Visits Scheme (APVS)***

APVS can help with funding to support eligible family members and partners to gain assistance when visiting. Visitors refused entry to the prison for being intoxicated, "unruly", carrying contraband or failing to provide acceptable ID will not qualify for assisted prison visits.

***What are accumulated visits?***

Because prisoners are often held far away from their families, making visits almost impossible, prisoners can 'accumulate' 26 statutory visits in a 12-month period and apply for a temporary transfer to a prison nearer their family to receive the visits. Transfers will normally be for one month and can take place every six months. Privilege visits can also be accumulated at the discretion of the governor.

Requests for accumulated visits are made to the governor, with the exception of Category A prisoners, who must send a written request to the director of High Security.

***What is an inter-prison visit?***

Visits are allowed between two prisoners at different prisons who fall within the definition of close relatives. Subject to security requirements and the availability of transport and accommodation, arrangements may be made for prisoners to take inter-prison visits every three months and each prisoner must surrender one visiting order (see PSI 16/2011).

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